

COMPARISON OF CONSTITUTIONS

CONSTITUTION OF 1867	PROPOSED CONSTITUTION OF 1968
<p style="text-align: center;">ARTICLE IV. JUDICIARY DEPARTMENT.</p> <p style="text-align: center;">Part I. General Provisions.</p> <p>Section 1. The Judicial power of this State shall be vested in a Court of Appeals, and such intermediate courts of appeal, as shall be provided by law by the General Assembly, Circuit Courts, Orphans' Courts, such Courts for the City of Baltimore, as are hereinafter provided for, and Justices of the Peace; all said Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing therefrom. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by Law.</p> <p>Sec. 2. The Judges of all of the said Courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election, or appointment, as the case may be, in the city, county, judicial circuit, intermediate appellate judicial circuit or appellate judicial circuit for which they may be, respectively, elected, or appointed. They shall be not less than thirty years of age at the time of their election, or appointment, and shall be selected from those who have been admitted to practice Law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.</p> <p>Sec. 3. The Judges of the said several Courts other than the Court of Appeals or any intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be elected in Baltimore City and in each county, by the qualified voters of the city and of each county, respectively, except that in the First and Second Judicial Circuits the said Judges</p>	<p>an irrevocable pledge of the full faith and credit and unlimited taxing power of the State. Any such appropriation that is in addition to or exceeds the capital appropriations submitted to the General Assembly by the governor shall provide for a tax, direct or indirect, sufficient to pay the debt service required thereby, to be levied and collected as prescribed in the supplementary appropriation bill.</p> <p><i>See Section 5.01, Judicial Power, p. 3.</i></p> <p>Section 5.14. Eligibility for Nomination and Appointment.</p> <p>A judge shall have been a citizen of the State and shall have been authorized to practice law in the State for at least five years immediately preceding his nomination. A nominee for judge of the Court of Appeals or of the Intermediate Appellate Court shall be a resident of the circuit where that court vacancy exists. A nominee for judge of the Superior Court shall be a resident of the county where the vacancy exists. A nominee for judge of the District Court shall be a resident of the district where the vacancy exists.</p> <p><i>See Section 5.22, Judicial Term of Office, p. 61.</i></p> <p>Section 5.23. Judicial Retirement.</p> <p>Each judge shall retire at the age of seventy. If a majority of the members of the Court of Appeals approve, the chief judge may authorize a retired judge to perform temporarily judicial duties in any court.</p>